

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO.: 3:09CV3-V**

VENUS L. MOORE,)
Plaintiff,)
v.) **MEMORANDUM & ORDER**
TIME WARNER CABLE, INC.,)
Defendant.)
_____)

THIS MATTER is before the Court on Defendant's Motion to Dismiss, filed January 14, 2009. (Document #4)

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well considered opinion filed September 29, 2009, Magistrate Judge Keesler recommended that Defendant's motion to dismiss be granted in part and denied in part. (M & R at 10.) The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party in this matter.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (only a careful review is required in considering a memorandum and recommendation absent specific objections); *Thomas v. Arn*, 474 U.S. 140 (1985) ("The statute [28 U.S.C. §636(b)(1)(C)] does not on its face require any review at all, by either the district court or the court

of appeals of any issue that is not the subject of an objection.”). Accordingly, the Court hereby accepts the Memorandum & Recommendation and adopts it as the final decision of this Court.

IT IS, THEREFORE, ORDERED that the Defendant’s Motion to Dismiss is **GRANTED in part** and **DENIED in part**. Accordingly, Defendant’s motion is granted as to Count Two and Plaintiff’s claims for negligent supervision and retention are hereby **DISMISSED with prejudice**. Defendant’s motion is denied as to Count One.

Signed: November 5, 2009



Richard L. Voorhees
United States District Judge

